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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON DEPUTY

07-CV-00499-ORD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SYLVESTER JAMES MAHONE,

Plaintiff,

v.

WASHINGTON STATE  
REFORMATORY, et al.,

Defendants.


Case No. C07-499-JLR-BAT

ORDER OF DISMISSAL

The Court, having reviewed plaintiff's Third Amended Complaint in this 42 U.S.C. § 1983 civil rights action; the parties' pleadings including their motions for summary judgment; the report and recommendation of United States Magistrate Judge Brian A. Tsuchida, the governing law, and the balance of the record, does hereby ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's motion for summary judgment (Dkt. 37) is DENIED;
- (3) Defendants' cross-motion for summary judgment (Dkt. 39) is GRANTED;
- (4) Plaintiff's claims and his Third Amended Complaint (Dkt. 41) are DISMISSED;
- (5) The Clerk of Court is directed to send copies of this Order to the parties and to Magistrate Judge Brian A. Tsuchida.

DATED this <sup>20</sup>23 day of January, 2009.

  
James L. Robart  
United States District Judge